

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA**

PHILADELPHIA FLYERS, INC.,

Plaintiff,

v.

TRUSTMARK INSURANCE COMPANY,

Defendant.

CIVIL ACTION NO.
2:04-CV-2322

COMMONWEALTH OF PA

COUNTY OF PHILADELPHIA

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: ss
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I, LEWIS R. BOSTIC, being duly sworn according to law, depose and say
as follows:

1. I am the risk manager for Philadelphia Flyers, Inc. ("The Flyers").

As such, I am familiar with the facts of the above-captioned litigation.

2. The Flyers are a major league professional ice hockey team, and a
member of the National Hockey League, playing in the City of Philadelphia.

3. The National Hockey League is the governing body for its member
teams playing ice hockey in North America.

4. The Flyers were required to pay for disability insurance coverage
under a policy negotiated and entered into between Trustmark Insurance
Company and the National Hockey League Trust ("the Trustmark-NHL policy").

5. The Flyers were not given the opportunity to participate in the
negotiation of the Trustmark-NHL policy or any of its terms or conditions.
Instead, the Trustmark-NHL was negotiated by and entered into solely between
Trustmark and the National Hockey League Trust.

6. The Flyers were not free to obtain their own disability insurance coverage elsewhere.

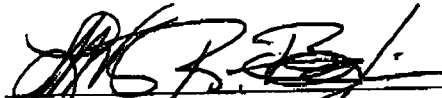
7. The Trustmark-NHL policy's certificate of insurance contains an arbitration clause, a pre-printed provision drafted by Trustmark Insurance Company with no input from The Flyers. The Flyers had no authority or opportunity to bargain regarding this or any other term of the insurance coverage.

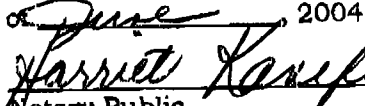
8. The Flyers' Rick Tocchet was one such hockey player entitled to insurance coverage under the Trustmark-NHL policy.

9. In the fall of 2001, Rick Tocchet suffered serious injuries to his left knee and back, rendering him disabled and incapable of playing professional ice hockey.

10. In light of these injuries, The Flyers made a claim under the Trustmark-NHL disability policy.

11. However, Trustmark Insurance Company has refused to reimburse The Flyers for 12 games missed by Rick Tocchet between January 17, 2002 and February 12, 2002, necessitating judicial intervention.


Lewis R. Bostic, Risk Manager
Philadelphia Flyers, Inc.

Sworn and subscribed
before me this 17th day
of June, 2004

Notary Public

